

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CRIMINAL CASE NO. 05-50026

v.

KASSANDRA BEARD,

HONORABLE PAUL V. GADOLA  
U.S. DISTRICT COURT

Defendant.

\_\_\_\_\_ /

**ORDER DENYING MOTION FOR RECONSIDERATION**

Defendant is charged with one count of Possession with Intent to Distribute Crack Cocaine, 21 U.S.C. § 841(a)(1) and (b)(1)(B); and one count of Possession of Firearm in Furtherance of Drug Trafficking Crime, 18 U.S.C. § 924(c). On November 30, 2005, the Court issued an order denying Defendant's motion to remand the charges. Before the Court is Defendant's motion for reconsideration, filed on December 14, 2005.

For motions of reconsideration, the Local Rules state:

Generally, and without restricting the court's discretion, the court will not grant motions for rehearing or reconsideration that merely present the same issues ruled upon by the court, either expressly or by reasonable implication. The movant must not only demonstrate a palpable defect by which the court and the parties have been misled but also show that correcting the defect will result in a different disposition of the case.

E.D. Mich. L.R. 7.1(g)(3).

In her motion, "[D]efendant is not asking the Court to take another look at an issue already ruled upon in the order denying the motion to remand," but is asking the Court to "clarify its ruling" on an alternative theory of the case. Def. Brief, p. 4 (Dec. 14, 2005). This is not the intended use

of the reconsideration procedure. A motion for reconsideration is not a means by which parties can receive further explanation of the Court's ruling. Instead, a motion for reconsideration is a means by which a "palpable defect" that would affect the outcome of the case can be brought to the attention of the Court. Since Defendant has done no such thing, this Court will deny Defendant's motion.

**ACCORDINGLY, IT IS HEREBY ORDERED** that Defendant's motion for reconsideration [docket entry 30] is **DENIED**.

**SO ORDERED.**

Dated: December 22, 2005

s/Paul V. Gadola  
HONORABLE PAUL V. GADOLA  
UNITED STATES DISTRICT JUDGE

Certificate of Service

I hereby certify that on December 22, 2005, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

Christopher J. McGrath; Richmond M. Riggs, and I  
hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants: \_\_\_\_\_.

s/Ruth A. Brissaud  
Ruth A. Brissaud, Case Manager  
(810) 341-7845